

## **MINUTES OF REGULAR MEETING HELD APRIL 14, 2015**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, April 14, 2015 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 16, 2014. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Skibitsky, Council Members, Arena, Neylan, LoGrippo, Foerst, Della Fera, Oliveira, Loughlin

**ABSENT:** Councilwoman Kimmins

Invocation was given by Councilman Oliveira

### **PRESENTATIONS**

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

The Council proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2040 – AN ORDINANCE FOR CALENDAR YEAR 2015 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2040 – AN ORDINANCE FOR CALENDAR YEAR 2015 TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)” Introduced by Councilman Della Fera, seconded by Councilman

LoGrippto, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena                      Nays:                      Absent: Kimmins  
       Neylan  
       LoGrippto  
       Foerst  
       Della Fera  
       Oliveira  
       Loughlin  
       Mayor Skibitsky

### **BIDS**

TOWN OF WESTFIELD  
INVITATION TO BID  
APRIL 7, 2015

2015 CONSERVATION CENTER IMPROVEMENTS  
 IN THE TOWN OF WESTFIELD, NEW JERSEY

The bids as follows were received, read and referred to the Town Engineer:

<u>BIDDER</u>	<u>AMOUNT</u>
FCI Fischer Contracting Inc.	\$238,526.25
10 Short Hills Lane	
Scotch Plains, NJ 07076	
Black Rock Enterprises, LLC	\$258,700.00
1316 Englishtown Road	
Old Bridge, NJ 08857	
Ralph Cecchio Inc.	\$270,126.50
661 Jerusalem Road	
Scotch Plains, NJ 07076	
Top Line Construction Corporation	\$280,776.25
22 Fifth Street	
Somerville, NJ 08876	
Z Brothers Concrete Contractors, Inc.	\$281,874.75
304 Jernee Mill Road	
Sayreville, NJ 08872	
S&G Paving Construction Inc.	\$297,125.00

224 Forsgate Drive	
Monroe, NJ 08831	
A-Tech Concrete Inc.	\$375,050.00
11 Taylor Road	
Edison, NJ 08817	

**MINUTES**

On a motion by Councilman Loughlin, seconded by Councilman Oliveira, Council approved the Minutes of the Town Council Meeting held March 24, 2015.

On a motion by Councilman Foerst, seconded by Councilman LoGrippe, Council approved the Minutes of the Conference Session held March 24, 2015.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Greg Kasko of 434 Everson Place spoke about a pilot program at a Board of Education field that involves lights powered by generators. He said that he called the police to complain about the noise the generator was making and was told that they would make a note of his complaint but would not be responding with an officer to have the generator turned off. Mr. Kasko wanted to know who directed the police not to respond since he believed it was a violation of the Town Code.

The Town Attorney advised Mr. Kasko that the municipal law is superseded by State Law and the Health Department is the proper entity to be notified. The Town Attorney told Mr. Kasko that he explained that to Mr. Kasko's attorney when he received a call from him so he was surprised he was asking that question at the meeting when he should have already known the answer. Mr. Kasko said he disagreed with the Town Attorney and the Town Attorney said that was his legal opinion.

**BILLS AND CLAIMS**

Introduced by Councilman Della Fera, seconded by Councilman LoGrippe and adopted with Councilman Loughlin abstaining on the Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$601,247.95 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:****Finance Policy Committee**

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

(99) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$51.60 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of March 2015.

(100) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Michael Hoffmann 642 Kimball Ave. Westfield, NJ 07090	T05-600-071	Daddy/Daughter Dance (Samantha)	100.00
Melanie Weidler 124 Barchester Way Westfield, NJ 07090	T05-600-073	Golf Squirts-Summer (Cole)	\$65.00

(101) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for unused parking permit fee as follows:

Troy Kelley 1317 Frances Terrace Westfield, NJ 07090	Watterson Street/Lot 6	#15060072	\$325.00
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(102) WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk, pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

(103) RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$15,367.00 to the TREASURER, STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2015.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

(104) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following person, this being the amount overpaid for property taxes or sewer fee for the years 2014 and 2015.

<u>BLOCK/LOT</u>	<u>PROPERTY</u>	<u>YEAR/TYPE</u>	<u>AMOUNT</u>
1003/10 TAYLOR, Clarissa 315 Elm Street Westfield, NJ 07090	317 Elm Street	2014 sewer	\$70.00
4702/31 NG, Charles & Shun Ling Chen	860 Tice Place	2015 sewer	\$170.00
701/10 Matthew Merkle Flat 7 7 Cleveland Gardens London W2 6HA United Kingdom	351 Brightwood Avenue	2014 taxes	\$2,141.90

(105) NOW THEREFORE, BE IT RESOLVED, that the following accounts may have their sewer bills prorated and/or rescinded due to the demolition of the structure located on the property in 2014 and remove the billing for 2015 until dwelling is in place. Billing will be adjusted and/or reinstated once the property has a certificate of occupancy.

<u>Acct#</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
1463-0	317 Elm Street	2014	170.00
1463-0	317 Elm Street	2015	170.00
3929-0	603 Cumberland Street	2015	170.00
4784-0	515 Carleton Road	2015	170.00
5211-0	317 Central Avenue	2015	170.00
8773-0	27 Tamaques Way	2015	170.00
9463-0	229 Virginia Street	2015	170.00

(106) WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Amalgamated General Agencies made a proposal to perform such services outlined for two and one half percent (2.5%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant; and

WHEREAS, the Town of Westfield has received the sum of \$32,122.64 drawn on the Administration and Expense Account of the Suburban Joint Insurance Fund which represents the first half of the installment of the six percent (6%) of the Annual Assessment for 2015; and

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Amalgamated General Agencies (AGA), 115 Grove Street East, PO Box 2670, Westfield, NJ 07090-2670, in the sum of \$13,384.43 representing the first half of the commission payable for the year 2015 with \$18,738.21 representing the reduction in the first half of the annual assessment.

(107) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$300.00 to the order of Treasurer, State of New Jersey, P.O. Box 660, Trenton, NJ 08646-0660 for Marriage/Civil Union License Fees issued by the Registrar of Vital Statistics for the quarter of January-March 2015.

#### Public Safety, Transportation and Parking Committee

Regarding the following ordinance, Councilwoman Neylan, Chairman of the Public Safety, Transportation and Parking Committee, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2041- AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 11, "FIRE PROTECTION," ARTICLE II, "FIRE DEPARTMENT"

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28<sup>th</sup> day of April 2015 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance

according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman Arena.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent:	Kimmins
	Neylan			
	LoGrippe			
	Foerst			
	Della Fera			
	Oliveira			
	Loughlin			
	Mayor Skibitsky			

#### Code Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilwoman Neylan were unanimously adopted.

(108) WHEREAS, Tower Homes, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 901 Harding Street, Block 3601, Lot 53, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 901 Harding Street, Block 3601, Lot 53, Westfield, New Jersey.

(109) WHEREAS, WAGFBFB, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 418 Edgewood Avenue, Block 813, Lot 20, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.



NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 418 Edgewood Avenue, Block 813, Lot 20, Westfield, New Jersey.

(110) WHEREAS, Templeton & Shaw, LLC, made an application to the Town of Westfield to demolish a single-family dwelling located at 1 Bell Drive, Block 5509, Lot 27, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 1 Bell Drive, Block 5509, Lot 27, Westfield, New Jersey.

(111) WHEREAS, Louie Real Estate Holdings, LLC, made an application to the Town of Westfield to demolish a detached garage, located at 147 Elmer Street, Block 1500, Lot 6, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a detached garage at 147 Elmer Street, Block 1500, Lot 6, Westfield, New Jersey.

(112) WHEREAS, Mark D. Harbaugh and Elizabeth Harbaugh, made an application to the Town of Westfield to demolish a detached garage, located at 729 Prospect Street, Block 709, Lot 21, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve

Freedman, Construction Official, to demolish a detached garage at 729 Prospect Street, Block 709, Lot 21, Westfield, New Jersey.

(113) WHEREAS, RWM Family LLC, made an application to the Town of Westfield to demolish the Westfield Veterinary Group kennels, located at 562 Springfield Avenue, Block 1701, Lot 9, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application has met all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to the Westfield Veterinary Group kennels at 562 Springfield Avenue, Block 1701, Lot 9, Westfield, New Jersey.

(114) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Brick Oven of Westfield	117 Quimby Street
Cosimo's	118 East Broad Street
Casa Di Pizza	50 Elm Street
Jersey Mike's	144 East Broad Street
Limani Seafood Grill	235 North Avenue W.
The Office of Westfield	411 North Avenue
Let's Yo	121 East Broad Street
Starbucks Coffee Co #882	117 Central Avenue

Splash of Thai	321 South Avenue West
NY 8 <sup>th</sup> Ave Deli	256 East Broad Street
Old Havana	13 Elm Street

(115) RESOLVED that the following application for children's amusement devices be approved:

Cliffhanger Productions, Inc.	Baseball Opening Day	Gumbert Baseball Complex
161 Park Avenue	April 18, 2015	S. Chestnut Street
Rutherford, NJ 07070		Westfield, NJ

#### Public Works Committee

The following resolutions, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippo were unanimously adopted.

(116) WHEREAS, the Town has identified a need to make improvements to the Westfield Conservation Center in order to better serve its constituents, and

WHEREAS, sealed bids were received by the Town Clerk on April 7, 2015 for the **2015 Conservation Center Improvements** in Westfield, New Jersey as authorized by the Recycling Tonnage Account, and

WHEREAS, the low bid, in the amount of \$238,526.25 submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to the Recycling Tonnage Account.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$238,526.25 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

(117) WHEREAS a need exists for the purchase of No. 2 Diesel Fuel for the Department of Public Works motorized fleet, as authorized in the anticipated 2015 Municipal Budget, 171-211, and

WHEREAS bids for this material were received by the Town Clerk on March 24, 2015 and the low bid was submitted by National Fuel Oil, Inc., 175 Orange Street, Newark, NJ 07103 which bid has been analyzed and found to be in compliance with the applicable specifications, and

WHEREAS Certificate of the Town Treasurer, certifying to the availability of adequate funds for the contract hereby authorized, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract shall be charged to Gasoline Account 171-211.

NOW THEREFORE BE IT RESOLVED that the following contract be awarded and the proper Town Officials be, and they are hereby, authorized to take whatever action is appropriate in the execution and discharge of these contracts.

	<b>#2 Diesel Fuel</b>	
National Fuel Oil, Inc.	Newark, New Jersey Reseller Price Per Gal.	2.0685
175 Orange Street	<b>Delivery &amp; incidental charge</b>	<b>+ 0.0669</b>
Newark, NJ 07103	Net Price	2.1354

(118) WHEREAS a need exists for the purchase of Unleaded gasoline for the Department of Public Works motorized fleet, as authorized in the anticipated 2015 Municipal Budget, 171-211, and

WHEREAS bids for this material were received by the Town Clerk on March 24, 2015 and the low bid was submitted by National Fuel Oil, Inc., 175 Orange Street, Newark, NJ 07103 which bid has been analyzed and found to be in compliance with the applicable specifications, and

WHEREAS Certificate of the Town Treasurer, certifying to the availability of adequate funds for the contract hereby authorized, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract shall be charged to Gasoline Account 171-211.

NOW THEREFORE BE IT RESOLVED that the following contract be awarded and the proper Town Officials be, and they are hereby, authorized to take whatever action is appropriate in the execution and discharge of these contracts.

**Unleaded Gasoline**

National Fuel Oil, Inc.	Newark, New Jersey Reseller Price Per Gal.	1.7320
175 Orange Street	Delivery & incidental charge	+ 0.0520
Newark, NJ 07103	Net Price	1.7840

**Reports of Department Heads**

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of and sewer \$2,312,534.74 during the period March 1, 2015 to March 31, 2015.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$5,394.00 during the month of March 2015 was received, read, and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$48,140.00 representing monies collected during the month of March 2015.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$87,435.00 for the month of March 2015 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in March 2015 in the amount of 4,150.00 and \$4,677.00 Permit Fees was received, read and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$64,384.23 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of March 2015 was received, read and ordered filed.

Upon motion by Councilwoman Neylan, seconded by Councilman LoGrippo the meeting was adjourned at 8:15 p.m.

Claire J. Gray  
Town Clerk